

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIREElena Katz, et al.

v.

Civil No. 10-cv-410-JL

Brian McVeigh, et al.**O R D E R**

The plaintiff's motion to excuse Elena Katz (document no. 84) is DENIED. As the plaintiffs have not withdrawn their request to have Elena Katz appointed as Next Friend, her presence at the hearing is necessary and appropriate. Additionally, even if the request pertaining to Katz had been withdrawn, one or more parties may wish to call Katz as a witness. Further, the motion contains numerous factual assertions, none of which are supported by affidavit as required by the Local Rule 7.1(a)(2). Finally, this request was made after the close of business on a Friday before a Monday hearing, which is inappropriate under these circumstances. Counsel are free to work out some sort of accommodation or stipulated continuance if Eleanora's well being is truly implicated by Katz's presence, but the motion is denied.

**SO ORDERED.**  
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Joseph N. Laplante  
United States District Judge

Dated: August 22, 2011

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